REMARKS

The above amendments and these remarks are responsive to the Office Action issued on June 9, 2006. By this Response, claims 1 and 7, the specification and the drawing are amended. No new matter is added. Claims 1-9 are active for examination. A terminal disclaimer is filed concurrently herewith.

The Office Action

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable ove Conheady et al. (U.S. Publication No. 2002/0018218) in view of Mian et al. (U.S. Patent No. 5,636,026).

The Objection to the Drawing Is Addressed

By this Response, a new sheet of Figure 1 is submitted to address the Examiner's objection to Figure 1. It is believed that Figure 1 is now in appropriate form.

The Obviousness-type Double Patenting Rejection Is Overcome

The obviousness-type double patenting rejection is overcome in view of the terminal disclaimer submitted concurrently herewith.

The Obviousness Rejection Is Overcome

Claims 1-9 were rejected as being unpatentable over Conheady and Mian. By this Response, independent claims 1 and 7 are amended. Appropriate support for the amendment can be found in, for example, paragraphs [0006], [0014] and [0017] of the written description. It is

submitted that Conheady and Mian, even if combined, do not disclose every limitation of the claims.

Claim 1, as amended, describes a method for optically scanning a pneumatic tire of a vehicle wheel. The vehicle wheel is rotated about a stationary axis. The surface of the pneumatic tire is scanned by emitting at least one light beam from at least one given position onto the surface of the pneumatic tire forming at least one light spot. At least at one given position, at least one beam reflected by the surface of the pneumatic tire corresponding to the at least one light beam is received for measuring the distance of the at least one light spot relative to a reference position. A rotary angle position of the vehicle wheel associating with the measured distance is measured. Dimensions and positions of the pneumatic tire or constituent parts of the pneumatic tire are determined based on the measured distances of the at least one light spot and the associated rotary angle position of the vehicle wheel.

In contrast, as correctly acknowledged by the Examiner, Conheady does not teach that its system could be used to measure the thread of a tire. Furthermore, even though Conheady discusses the use of an emitted beam and a position-sensitive receiver, Conheady does not describe associating the rotary angle position of the wheel to the measured distance of the light spot on the tire surface.

The other cited document, Mian, though discusses measuring a thread profile of a tire, fails to teach measurement of a rotary angle position, let alone associating the rotary angle position of the wheel to the measured distance of the light spot on the tire surface. Accordingly, Conheady and Mian, even if combined, do not disclose "measuring a rotary angle position of the vehicle wheel associating with the measured distance; and determining dimensions and positions of the pneumatic tire or constituent parts of the pneumatic tire based on the measured distances

of the at least one light spot and the associated rotary angle position of the vehicle wheel," as described in claim 1. Therefore, Conheady and Mian cannot support a prima facie case of obviousness. Hence, the obviousness rejection is untenable and should be withdrawn. Favorable reconsideration of claim 1 is respectfully requested.

Independent claim 7 describes features related to a rotary angle sensor for generating a rotary angle associating with the at least one light spot, and a computer-aided evaluation device for ascertaining dimensions and positions of the pneumatic tire or constituent parts of the pneumatic tire based on the measured distance of the at least one light spot and the associated rotary angle position of the rotating vehicle wheel. As discussed earlier, neither Conheady nor Mian discloses these features. Accordingly, claim 7 is patentable over the cited documents.

Claims 2-6, 8 and 9, directly or indirectly, depend on claims 1 and 7, respectively, and incorporate every limitation thereof. Consequently, claims 2-6, 8 and 9 also are patentable for at least the same reasons as for claims 1 and 9. Favorable reconsideration of the claims is respectfully requested.

Conclusion

For the reasons given above, Applicants believe that this application is conditioned for allowance and request that the Examiner give the application favorable reconsideration and permit it to issue as a patent. However, if the Examiner believes that the application can be put in even better condition for allowance, the Examiner is invited to contact Applicants' representative listed below.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Wei-Chen Nicholas Chen
Registration No. 56,665

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 WC:pab
Facsimile: 202.756.8087

Please recognize our Customer No. 20277 as our correspondence address.

Date: November 9, 2006
WDC99 1262148-2.075148.0012